

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Examiner states that Figures 5 – 11d should be designated by a label such as --Prior Art-- because only that which is old is illustrated. Enclosed herewith are drawings corrected in red to reflect the --Prior Art-- label. The Examiner's approval of these drawing changes is respectfully requested. Upon approval by the Examiner, replacement sheets will be submitted.

The Examiner rejects claims 1-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or to which it is most nearly connected, to make and/or use the invention. The Examiner states that claims 1, 6, 10, and 14-17 have the limitations of "first attenuation rate", "second attenuation rate", "third attenuation rate", and "fourth attenuation rate" which are not adequately disclosed.

This rejection is respectfully traversed. In the present application on page 2, paragraphs 4-8, it discusses the attenuation of the hold level of the peak-hold circuit with the lapse of time. This is also discussed in connection with the present invention on page 13, from the second full paragraph through the seventh full paragraph. Applicant's assert that those skilled in the art would readily recognize that the attenuation rate referred to and the rate of attenuation discussed in the specification are the same. However, in order to clarify this for the Examiner, we have amended the recitations in claim 1 to recite that the first, second, third and fourth peak-hold circuits have corresponding first – fourth droop rates. Thus, there should be no question as to the support for this term in the specification.

The Examiner states that the limitations of first – fourth "amplifier" which require an enablement of amplifier 17-20 related to control signals Sc1-Sc4 in Figure 2 are not adequately disclosed. The Examiner states that the disclosure does not specify what is

the attenuation rate and amplification amount. The Examiner concludes that it would require undue experimentation as to how to make and use the invention.

This rejection is respectfully traversed. The question regarding the attenuation rate has been discussed above. Once the attenuation rates are known, Applicant's assert that it would be easy for one skilled in the art to determine the amplification rate needed for that particular circuit, which is a design choice made by the circuit designer. The parameters used to determine whether the beam is traversing data or a mirror area of the DVD has a level which is strictly a design choice. Furthermore, it is noted that the Kumagai reference cited by the Examiner (discussed further below) shows this feature at Col. 11, Lines 42-56, for example. Accordingly, this feature is known in the prior art and need not be described in detail in the present application. In addition, claims 3, 5, 8, 9, 11, 12 and 13 are dependent directly or indirectly on Claim 1. The patentability of Claim 1 having been shown above, these claims are patentable for the same reasons. Claims 18 and 20 have been cancelled without prejudice.

The Examiner rejects claims 1, 2, 5, 6, 7, 9, 11, 14, 17, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Kumagai. The Examiner states that the admitted prior art in Applicant's disclosure shows the first through third peak-hold circuits, the first reference signal generator and the first comparator. The Examiner states that the admitted prior art does not show a third attenuation rate within the third peak-hold circuit. The Examiner states that in Figure 10 of Kumagai, a third attenuation rate is shown which enables use with the type of optical recording medium. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to include a third attenuation rate within a third peak-hold circuit of the admitted art as disclosed by Kumagai for use in mirror signal detection.

We can not agree. Kumagai does not show the utilization of the second comparator generating a defect detection signal which is utilized to control the first droop rate of the first peak-hold circuit, as recited in amended Claim 1. Accordingly, Applicant's believe that this clearly distinguishes the present invention over Kumagai

either singularly or combined with Applicant's admitted prior art. Claim 6 has been cancelled without prejudice and Claim 14-20 have been cancelled without prejudice.

According, Applicants believe the Application, as amended, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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